

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

**SORAYA DIASE COFFELT, JOHN
CANEGATA AND RONALD CHARLES,**

PLAINTIFFS,

V.

**CAROLINE F. FAWKES, IN HER OFFICIAL
CAPACITY AS SUPERVISOR OF ELECTIONS
FOR THE VIRGIN ISLANDS AND
GOVERNMENT OF THE VIRGIN ISLANDS,**

DEFENDANTS.

1:14-CV-_____

**ACTION FOR TEMPORARY
RESTRAINING ORDER,
PRELIMINARY INJUNCTION,
PERMANENT INJUNCTION AND
DECLARATORY RELIEF**

ORDER ON MOTION FOR TEMPORARY RESTRAINING ORDER

Before the Court is the Plaintiffs' motion for a temporary restraining order which seeks an order temporarily enjoining the Supervisor of Elections, Caroline F. Fawkes, from disqualifying Soraya Diase Coffelt and John Canegata from competing for election to the Office of Governor of the Virgin Islands and Office of Lieutenant Governor of the Virgin Islands. Plaintiffs have certified that notice of their complaint and the motion for temporary restraining order were served upon all defendants.

Plaintiffs assert that an immediate restraining order is required because Defendant Fawkes has indicated that in accordance with 18 V.I.C. § 411, she will disqualify Diase Coffelt and Canegata from their candidacies on May 30, 2014.

Plaintiffs have met the procedural requirements for the issuance of a Temporary Restraining Order with notice as provided in Fed. R. Civ. P. 65. Their complaint is

verified and notice has been given to all defendants.

Plaintiffs have also met the substantive requirements for the issuance of a temporary restraining order. They have shown a likelihood of success on the merits as it appears likely that they will establish that their First Amendment rights are about to be infringed through either a misinterpretation of Virgin Islands law or an unconstitutional application of the law. They have shown that they will suffer irreparable harm in that there is an immediate threat of a denial of their constitutional rights which will occur if Defendant Fawkes is not restrained from taking action. They have shown that any harm to Defendants or the public will be minimal, at best, and certainly there will be no harm from the issuance of a temporary restraining order that will expire in 14 days and unless Plaintiffs meet their burden of showing that a preliminary injunction should issue following a hearing on same. And they have shown that the public interest in having maximum participation in elections favors granting them temporary relief.

For the foregoing reasons it is Ordered that:

1. Defendant Fawkes is temporarily enjoined from disqualifying Plaintiffs Diase Coffelt and Canegata from their candidacies for governor and lieutenant governor;
2. If Defendant Fawkes has already disqualified Diase Coffelt and Canegata, she shall immediately rescind such action pending further order of this Court;
3. The Court will hold a hearing on Plaintiffs motion for a preliminary

injunction on June __, 2014.

4. This temporary injunction shall remain in effect until the conclusion of such hearing unless it is modified by further Order of this Court.

Dated: _____, 2014

United States District Judge